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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,075	11/29/2000	Peter Gansen	64251-006	9638

7590 05/22/2006

Robert E. Muir, Esq.  
Husch & Eppenberger, LLC  
Suite 1400  
401 Main Street  
Peoria, IL 61602-1241

EXAMINER
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COONEY, JOHN M

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/726,075	GANSEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	John m. Cooney	1711	

All participants (applicant, applicant's representative, PTO personnel):

- (1) John m. Cooney. (3)\_\_\_\_.
- (2) Michael Whitham. (4)\_\_\_\_.

Date of Interview: 18 May 2006.

Type: a) ☐ Telephonic b) ☐ Video Conference  
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.  
If Yes, brief description: Seat of product.

Claim(s) discussed: All.

Identification of prior art discussed: Kenndoff et al.

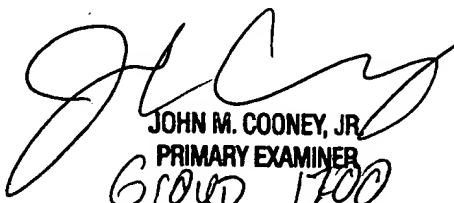
Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussion and demonstration of arrangement and configuration of different layers as used in a seat cushion, and limitations discussed to address Kenndoff et al. (fax of topics attached).

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
**JOHN M. COONEY, JR.**  
**PRIMARY EXAMINER**  
Group 1700  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

571-273-10'10

Doc Code:

PTOL-413A (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**Applicant Initiated Interview Request Form**

Application No.: 09/726,075 First Named Applicant: Gansen  
 Examiner: John M. Cooney Art Unit: 1711 Status of Application: non-final rejection

**Tentative Participants:**

(1) Mike Whitham (2) \_\_\_\_\_  
 (3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: May 17, 2006 Proposed Time: 11:00 AM (AM/PM)

**Type of Interview Requested:**

(1) ☐ Telephonic (2) ☒ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☒ YES ☐ NO

If yes, provide brief description: Seat Cushion manufactured according to the patent application

**Issues To Be Discussed**

Issues (Rej., Obj., etc.)	Claims / Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>70-80</u>		<u>Kenndoff (102 103)</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

**Brief Description of Arguments to be Presented:**

See attached Topics for Discussion

An interview was conducted on the above-identified application on \_\_\_\_\_

**NOTE:** This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Applicant / Applicant's Representative Signature

Michael E. Whitham

Typed/Printed Name of Applicant or Representative

32,635

Registration Number, if applicable

Examiner / SPE Signature

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

P. Gansen

Confirmation No. 9638

Serial No. 09/726,075

Group Art Unit 1711

Filed November 29, 2000

Examiner John M. Cooney

For MOLDING MADE FROM POLYURETHANE AND PROCESS FOR ITS  
PRODUCTION

Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

TOPICS FOR DISCUSSION AT INTERVIEW

Sir:

At the requested interview, the Applicant's attorney intends to discuss a commercial embodiment of the invention, and to discuss the following:

Claim 70 requires

A seat cushion, comprising:

at least one polyurethane gel serving as a damping element;

at least one polyurethane foam serving as a spring element, said at least one polyurethane gel and said at least one polyurethane foam being different compositions; and

a bond between said at least one polyurethane gel and said at least one polyurethane foam which is formed only from said at least one polyurethane gel and said at least one polyurethane foam.

The seat cushion which will be demonstrated during the interview has a polyurethane gel positioned below a polyurethane foam. The gel and the foam are physically different (e.g., the gel is more dense and is a bright white in color, while the foam is more porous and is darker in color). Furthermore, it will be seen during the interview that the gel and the foam are bonded together with a bond formed only from the polyurethane gel and the polyurethane foam. That is, no

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glue or other adhesive joining material is required. As is explained in the application at page 4, lines 9 et seq., the gel and the foam are joined together during foaming and curing. Because the materials are chemically similar (both are polyurethanes), they will bond together to form a unitary structure without requiring an additional joining material. This eliminates a manufacturing step and also eliminates the possibility that an adhesive would introduce a strain between the two chemically similar but physically distinct polyurethane materials.

Contrary to the Examiner's position in the office action, it will be demonstrated that the foam and the gel do not inherently stick together. This will be shown by holding a piece of foam adjacent a piece of gel.

In the office action, the Examiner has taken the position that the base claim 70 is anticipated by Kenndoff.

In making the rejection, the Examiner has made the incorrect assumption that the adhesive properties between the layers is "implicit" and "inherent". As we will be seen during the interview a piece of the foam does not adhere to a piece of the gel. Rather, it is only when the seat cushion is fabricated as described in the patent application does a bond between the gel and the foam form to adhere the layers together.

In addition, in making the rejection, the Examiner takes the position that urethane components are not defined to distinguish over the reference. This is incorrect. The claims require clearly that the at least one polyurethane gel and said at least one polyurethane foam [are] different compositions. Thus, the invention requires a gel which is distinct from the foam, and that the gel has the functional property of a damping element and the foam has the functional property of a spring. In sharp contrast, the Kenndoff patent describes a single "polyurethane gel" or "polyurethane gel foam" which has the unique property that it sticks to skin, but does not stick to wound sites (due to a change in stickiness which results in the presence of a liquid). At no point does Kendoff describe two distinct layers of material. Furthermore, Kendoff does describe a bandage which is made with an

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additional backing material, but he does not describe how it is held to the polyurethane gel foam (if it is joined to the gel foam—note that the backing material might merely overlap the bandage of Kendoff. As such, the claims clearly recites features which define over the reference (two distinct layers which are adhered to one another by a bond formed only by the two layers versus a single layer (Kendoff)).

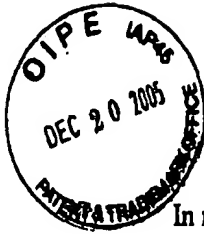
Respectfully submitted,

Michael E. Whitham  
Reg. No. 32,635

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Reston, VA 20190

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Gansen

Confirmation No. 9638

Serial No. 09/726,075

Group Art Unit 1711

Filed November 29, 2000

Examiner John M. Cooney

For MOLDING MADE FROM POLYURETHANE AND PROCESS FOR ITS  
PRODUCTIONCommissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450COMBINED REVOCATION OF POWER OF ATTORNEY,  
APPOINTMENT OF NEW POWER OF ATTORNEY, AND  
DESIGNATION OF DOMESTIC REPRESENTATIVE

Sir:

Concurrently filed herewith is a Request for Continued Examination  
(RCE), and an amendment filed under 37 C.F.R. 1.114.

Technogel GmbH & Co. KG is the assignee of record for 100% of the  
entire interest in the above-identified application. Attached is a printout from  
"USPTO Assignments on the Web" which evidences the same. The interest of  
Technogel GmbH & Co. KG was recorded in the USPTO on November 29, 2000  
at reel/frame 011349/0291.

The undersigned is a duly authorized representative of Technogel GmbH  
& Co. KG and is authorized to make this combined revocation, appointment and  
designation.

Technogel GmbH & Co. KG hereby revoke the power of attorney given to  
Robert E. Muir, Esq. of Husch & Eppenberger, LLC, 401 Main Street, Suite 1400,  
Peoria, Illinois 61602-1241, and any and all other powers of attorney (if any)  
issued in this case.

Technogel GmbH & Co. KG hereby appoint as Principal Attorney to  
prosecute this application and to transact all business in the Patent and Trademark  
Office connected therewith, and designate as Domestic Representative upon which  
notice of process in proceedings affecting the above-identified patent application



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may be served:

Michael E. Whitham, Reg. No. 32,635

Please direct all correspondence to the following address:

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Whitham, Curtis & Christofferson  
11491 Sunset Hills Road, Suite 340  
Reston, VA 20190

Phone: 703-787-9400  
Facsimile: 703-787-7557

Dated December 18th, 2005By: ppa. Dr. Peter Gansen

Name

Dr. Peter Gansen

Authorized Officer

Title

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Empfangszeit 20. Dez. 11:32